

REMARKS

Reconsideration of this application is respectfully requested. Claims 1-48 are pending in this application.

The Examiner has required restriction to one of the following groups:

Group I: claims 1-46 and 48, drawn to a pharmaceutical composition comprising a combination of a first solid composition containing fenofibrate as the active substance and a second solid composition containing an HMG-CoA reductase inhibitor as the active substance; and

Group II: claim 47, drawn to a method for preparing a tablet comprising a first solid composition containing fenofibrate as the active substance and a second solid composition containing an HMG-CoA reductase inhibitor as the active substance.

In response, Applicants elect the claims of Group I (claims 1-46 and 48) for further prosecution in this application without traverse.

Additionally, the Examiner has required election of three different species. In response, Applicants elect (a) atorvastatin as the HMG-CoA inhibitor, (b) 2-amino-2-(hydroxymethyl)-1,3-propanediol as the stabilizer, and (c) hyperlipidemia as the disorder.

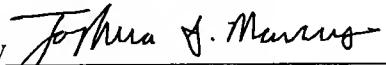
Claims 1-10, 13-18, 22-32, 34-46 and 48 read on the elected species.

CONCLUSION

In view of the above remarks, applicants respectfully request reconsideration of the application and prompt and favorable action on the merits. If there are any remaining issues that the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is requested to contact the undersigned at the telephone number indicated below.

Dated: November 12, 2008

Respectfully submitted,

By 
Joshua S. Marcus

Registration No.: 60,968
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant